

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 23, 2009

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B210050 People v. Tutt
B212559 People v. Moss
B213458 People v. Cheatham
B213270 People v. Williams

Argument waived, cause submitted.

B204020 People
 v.
 Marshall

Merits:

Argued by Robert Boyce for appellant and by Susan Kim, Deputy Attorney General for respondent. Cause submitted.

B211754 Schoenberg
 v.
 Los Angeles County Assessor, et al.

Merits:

Argued by Eric Schoenberg for appellant and by Albert Ramseyer, Deputy County Counsel for respondents. Cause submitted.

Court adjourned.

DIVISION TWO (continued)

B206806 People
 v.
 Donel

Filed order denying petition for rehearing.

B207169 People
 v.
 L.S.

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

DIVISION THREE

B208387 Kwang Yul Cha (Not for Publication)
 v.
 Bruce L. Flamm

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

I concur: Croskey, J.
I dissent: Klein, P.J. (Opinion)

B204126 People (Not for Publication)
 v.
 Allen Eugene Edwards

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FOUR

B214039 In re Cannon (Not for Publication)
 on
 Habeas Corpus

The judgment of the superior court is affirmed. The Board shall conduct a new parole hearing within 90 days of issuance of the remittitur.

Willhite, J.

We concur: Epstein, P.J.
 Suzukawa, J.

B213341 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Ashley A.

The jurisdictional order is reversed with respect to the finding of risk of sexual abuse. The dispositional order is reversed with respect to the requirement that Mother and Father undergo sexual abuse counseling. In all other respects, the orders are affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
 Suzukawa, J.

DIVISION FIVE

B214032 Alfonso Maldonado (Not for Publication)
 v.
 Los Angeles Metropolitan Transit Authority

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

DIVISION FIVE (continued)

B212551 People (Not for Publication)
v.
Steven Knowles

Defendant's sentences on counts 4 and 5 are reversed and the determinate 15-year term imposed by the trial court pursuant to section 667, subdivision (a) is stricken. On remand, the trial court shall resentence defendant on counts 4 and 5 in a manner consistent with the body of this opinion. The trial court shall impose two separate and consecutive five-year enhancement terms pursuant to section 667, subdivision (a), with respect to each of defendant's indeterminate life terms on count 2, count 8, and if applicable, count 4. The trial court shall impose or strike the enhancements pursuant to section 12022, subdivision (b) (1) with respect to counts 2, 3 and 5. The trial court also shall impose or strike the enhancement pursuant to section 12022.7 with respect to count 4. The sentences on counts 3, 4, and 5 shall be stayed pursuant to section 654, as previously determined by the trial court. In all other respects, the judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

B209674 Sergio Martinez (Not for Publication)
v.
Elias Barrios

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

October 23, 2009 (Continued)

DIVISION EIGHT

1009073-09

The Honorable **ANTHONY J. MOHR**, Judge of the Superior Court of California, County of LOS ANGELES, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division EIGHT, as a justice thereof, on the following dates:

NOVEMBER 1, 2009 TO NOVEMBER 30, 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

October 20, 2009

Ronald M George
Chief Justice of California and
Chairperson of the Judicial